

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NUMBER: 1:18-CV-932**

COVIL CORPORATION, by and through
its duly appointed receiver, Peter D.
Protopapas,

Plaintiff,

v.

UNITED STATES FIDELITY AND
GUARANTY COMPANY,

Defendant.

**JOINT STIPULATION
OF DISMISSAL**

Plaintiff Covil Corporation, by and through its duly appointed receiver, Peter D. Protopapas (“Covil”), and Defendant United States Fidelity and Guaranty Company (“USF&G”), pursuant to Rule 41(a)(1)(ii), hereby stipulate that Covil dismisses without prejudice its claims for relief asserted against USF&G in the above-captioned case (such claims having initially been denominated as Crossclaims), and that USF&G dismisses without prejudice its remaining outstanding claim for relief against Covil and Ann Finch, as Executrix of the Estate of Franklin Delanor Finch (initially denominated as Count I of its Crossclaims).¹

¹ In its August 4, 2020 Memorandum Opinion and Order (Doc. 334), the Court ruled in favor of USF&G on Count II of its crossclaims (Doc. 19), and dismissed without prejudice the declaratory relief sought in Counts III and IV to the extent unrelated to the underlying Finch action. Thus, Count I is the only remaining claim against Covil or Ann Finch that has yet to be adjudicated or otherwise dismissed. Pursuant to the parties’ settlement agreement, the parties intend to seek dismissal of certain of their respective crossclaims with prejudice once the order entered by Justice Toal approving the parties’ settlement agreement becomes final, which is expected to occur on September 27, 2021 provided no appeals or objections to that order are filed. Any of the remaining claims

This 31st day of August, 2021.

/s/ Kenneth Kyre, Jr.

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that the parties do not seek to dismiss with prejudice, such as claims that do not arise from or relate to plaintiffs in the underlying Finch claim or USF&G's conduct in handling the underlying Finch claim, would remain dismissed without prejudice.

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2021, I electronically filed the foregoing Joint Stipulation of Dismissal using the ECF system, and notification of such filing (which constitutes service of this document) will be sent electronically by the ECF system to counsel of record in this case who have registered with that system.

This 31st day of August, 2021.

/s/ Kenneth Kyre, Jr.

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